

# EXHIBIT 9

**Document Symbol:**

**PC/LEG/17**

**Best copy available**

Original: English.

11.12.45  
PC/LEG/17.

30 November, 1945.

# PREPARATORY COMMISSION OF THE UNITED NATIONS

## COMMITTEE 5:

### DELEGATION OF CANADA

Draft Resolution concerning the Question of Immunities, Facilities and Privileges to the Organization, to Representatives of the Members and to the Officials.

The Preparatory Commission of the United Nations:

CONSIDERING that under Articles 104 and 105 of the Charter the Organization is to be given in the territory of each of its members such legal capacity and such immunities, facilities and privileges as are necessary for the exercise of its functions and the fulfilment of its purposes and that representatives of the Members and officials of the Organization are to be given such immunities, facilities and privileges as are necessary for the independent exercise of their functions in connection with the Organization,

CONSIDERING that the obligations on the part of the members operate and are applicable from the coming into force of the Charter,

CONSIDERING that the sooner the recommendations referred to in paragraph (3) of Article 105 are made the better since the ratification by Members of the convention adopted by the General Assembly will take some considerable time and since the implementation by national legislation of the convention will necessitate the enactment by Members of new statutes or the amendment of existing laws,

CONSIDERING the advisability of acquainting the Members with the details of such immunities, facilities and privileges at the earliest possible date, in order that they may be in a position

to give effect to these obligations.

DIRECTS the Executive Secretary to remind the Members of the United Nations that, under Articles 104, and 105 of the Charter, the obligation to accord to the United Nations, its officials and the representatives of its Members the legal capacity, immunities, facilities and privileges, necessary for the accomplishment of its purposes, operates from the coming into force of the Charter and is therefore applicable even before the General Assembly has made the recommendations referred to in paragraph (3) of the Article, or the conventions there mentioned, have been concluded, and

RECOMMENDS that the General Assembly in its First Session adopt a convention along the following lines for submission to the Members for ratification.

Tentative and Provisional Draft of Convention  
on the Immunities, Facilities and Privileges of  
the United Nations of Representatives of its  
Members and of its Officials.

Art 1 - Authority

This convention is made under the authority of Articles 104 and 105 of the Charter which read as follows:-

"Article 104.

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes."

"Article 105.

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and Officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose."

## Art 2 - Purposes

The purposes of this convention are to determine the details of the applications of paragraphs 1 and 2 of Art 105 of the Charter, to ensure the efficient performance of the functions entrusted to the Organization and to avoid the imposition of financial burdens on the funds contributed to the Organization by the Members.

## Art 3 - Status of the Organization

The Organization shall possess full juridical personality and shall have the capacity to perform any legal act appropriate to its purposes which is not beyond the power granted to it by the Charter, and in particular, the capacity:

- (1) to contract;
- (2) to acquire and dispose of immovable and movable property;
- (3) to institute legal proceedings.

## Art 4 - Immunities of the Organization

- (1) From judicial process:

The Organization, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

- (2) From search, requisition, expropriation or any other form of seizure:

The premises of the Organization are inviolable, and its property and assets, wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action or otherwise.

EC/LEG/17.

Page 4.

(3) From violation of archives and correspondence:

The archives of the Organization, wherever located and by whomsoever held, its correspondence, communications and documents shall be inviolable.

(4) From restrictions of assets:

To the extent necessary to carry out the exercise of its functions:

(a) All property and assets of the Organization shall be free from restrictions, regulations, controls and moratoria of any nature;

(b) The Organization may operate accounts in any foreign currency and shall be free from all restrictions on the operation of such accounts;

(c) The Organization may operate in national currency accounts having international status, and convert freely into any other available currency and transfer abroad, free of any national restriction, balances of such accounts which are the proceeds

(i) of payments which the Member is under an obligation to make in gold or freely convertible currency, or

(ii) of the purchase of the currency of the Member at an earlier date by the sale to the appropriate authority of the Member of gold or freely convertible currency.

(5) From taxation:

The Organization, its assets, property, income and its operations and transactions authorized

under the provisions of the Charter shall be:

- (a) exempt from all direct taxes;
- (b) exempt from customs duties in respect of articles for the official use of the Organization and of publications issued by the Organization;
- (c) exempt from sales taxes and excise duties in respect of purchases for official use of substantial value for which appropriate administrative arrangements can be made.

Art 5 - Certain facilities of the Organization

(1) Communications

The official communications of the Organization shall be accorded:

- (a) treatment not less favourable than that accorded to the official correspondence of the Governments of other members of the Organization including:
  - (i) Priority for telephone and telegraph communications whether cable or radio and for mail transmitted by pouch or by courier;
  - (ii) Government rebates for official telegrams;
  - (iii) Exemption from taxation on official telegrams and telephone calls;
  - (iv) Diplomatic status for couriers and pouches of the Organization;
  - (v) Under appropriate safeguards taken by the Organization, exemption from censorship of its official correspondence;
  - (vi) Appropriate arrangements for the use of codes and of cable addresses for the telegraphic



- correspondence of the Organization;
- (vii) Arrangements which may be necessary to enable the Organization to send press telegrams to press officers and correspondents of the Office in accordance with the provisions of the International Telecommunications Convention and the Regulations annexed thereto.
- (b) appropriate postal facilities including:
- (i) Satisfactory arrangements for the expeditious collecting and delivery of correspondence and printed matter at offices handling a substantial volume of such business and at meetings of the General Assembly, of the Security Council, of the Economic and Social Council and the Trusteeship Council, and of such specialized agencies as may be brought in relation with the Organization;
- (ii) Exemption, in respect of official documents and publications, from any restrictions upon the despatch of printed matter through the mails to any state with which the state of despatch maintains postal relations;
- (iii) Arrangements for the use of specially printed or overprinted stamps for the official correspondence of the Organization in states where a substantial volume of correspondence is despatched;
- (iv) Postal privileges for the official correspondence of the Organization not less favourable than those accorded by the Member to any other Member. The reduction of 50 per cent of the ordinary rate for printed papers authorized by Article 34(3) of the



## Universal Postal Convention.

## (2) Purchases and public service

The Organization shall enjoy any special treatment, rates, discounts and priority accorded by any Member to the Governments of other Members in respect of the purchase of articles intended for official use and the services rendered by public utility, transportation and other Companies,

## Art 6 - Status of Representatives of the Members

Representatives of Member Governments to the General Assembly, to the Security Council, to the Economic and Social Council, to the Trusteeship Council and to such specialized agencies as may be brought in relation with the Organization shall be accorded during their tenure of office diplomatic privileges and immunities including:

(1) immunity from legal process of any kind in respect of acts performed in their official capacity and falling within their functions as such;

(2) The same immunities from immigration restrictions, alien registration and military service obligation and the same facilities as regards exchange restrictions as are accorded diplomatic representatives of the Governments of Members;

(3) inviolability of the representative's personal baggage and the same immunities accorded in this regard to ambassadors and ministers;

(4) Any further immunities and privileges that the Secretary-General may request as necessary to safeguard representatives on their way to or from meetings of the different organs of the Organization;

---

\* (In the case of Members which have agreed to apply Article 34(3) of the Universal Post Convention)

(5) complete freedom of speech, independence and the facilities necessary for the satisfactory discharge of their duties;

provided that each member government shall determine to what extent the above recommendations shall apply to its own nations, and to non-nationals in permanent residence in its territories.

Art 7 - United Nations Passports.

United Nations passports issued by the Organization to its officials and specialized agencies when travelling in their official capacity, or for the execution of their duties shall be accorded treatment not less favourable than that accorded to diplomatic passports officials of comparable rank.

Art 8 - Privileges and Immunities of Officials and Employees

(1) The Secretary-General, the Assistant Secretaries General, the Directors and Assistant Directors shall be accorded the privileges, immunities, exemptions and facilities accorded to ambassadors in accordance with international law and comity.

(2) All officials and employees of the Organization shall:

- (a) be immune from legal process with respect to acts performed by them in their official capacity;
- (b) be exempt from direct taxation on the salaries and emoluments paid to them by the Organization;
- (c) be immune from immigration restrictions, alien registration and military service obligations;
- (d) be accorded the same privileges as regards exchange facilities as are accorded to the officials of comparable rank of the Governments of other Members;

- (e) be given when travelling on official business the visas, priorities, rebates, exemptions from fees and other charges and other facilities accorded in respect of official travel on comparable business to Government officials of equal rank;
  - (f) be given the same repatriation facilities as diplomatic agents in time of international crisis
- (3) The estates of members of the staff and members of their families shall not be liable to death duties when the sole jurisdictional basis for such taxation is the residence there of the deceased person in connection with the discharge of official duties on behalf of the Organization.

Art 9 - Control of Privileges and Immunities of Officials

- (1) The Organization shall co-operate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the execution of police regulations and prevent the occurrence of any abuse in connection with the immunities and facilities provided for in this convention.
- (2) The Organization shall make provision for the determination by an appropriate international tribunal of:
  - (a) disputes arising out of contracts to which the Organization is a party which provide for the reference to such tribunal of any disagreement relating thereto;
  - (b) disputes involving any official of the Organization who by reason of his official position enjoys immunity from the jurisdiction of the tribunal

which would otherwise have cognizance of  
the matter if such immunity has not been  
waived by the Secretary-General.

Art 10 - Execution of the Convention

Each Member shall take such action as is necessary in its  
own territories for the purpose of making effective under its  
own laws the terms of the present convention.

**Document Symbol:**

**PC/LEG/17**

**Best copy available**

Original: English.

PC/LEG/17.

30 November, 1945.

# PREPARATORY COMMISSION OF THE UNITED NATIONS

## COMMITTEE 5:

### DELEGATION OF CANADA

Draft Resolution concerning the Question of Immunities, Facilities and Privileges to the Organization, to Representatives of the Members and to the Officials.

The Preparatory Commission of the United Nations:

CONSIDERING that under Articles 104 and 105 of the Charter the Organization is to be given in the territory of each of its members such legal capacity and such immunities, facilities and privileges as are necessary for the exercise of its functions and the fulfilment of its purposes and that representatives of the Members and officials of the Organization are to be given such immunities, facilities and privileges as are necessary for the independent exercise of their functions in connection with the Organization,

CONSIDERING that the obligations on the part of the members operate and are applicable from the coming into force of the Charter,

CONSIDERING that the sooner the recommendations referred to in paragraph (3) of Article 105 are made the better since the ratification by Members of the convention adopted by the General Assembly will take some considerable time and since the implementation by national legislation of the convention will necessitate the enactment by Members of new statutes or the amendment of existing laws,

CONSIDERING the advisability of acquainting the Members with the details of such immunities, facilities and privileges at the earliest possible date, in order that they may be in a position

to give effect to these obligations.

DIRECTS the Executive Secretary to remind the Members of the United Nations that, under Articles 104, and 105 of the Charter, the obligation to accord to the United Nations, its officials and the representatives of its Members the legal capacity, immunities, facilities and privileges, necessary for the accomplishment of its purposes, operates from the coming into force of the Charter and is therefore applicable even before the General Assembly has made the recommendations referred to in paragraph (3) of the Article, or the conventions there mentioned, have been concluded, and

RECOMMENDS that the General Assembly in its First Session adopt a convention along the following lines for submission to the Members for ratification.

Tentative and Provisional Draft of Convention  
on the Immunities, Facilities and Privileges of  
the United Nations of Representatives of its  
Members and of its Officials.

Art 1 - Authority

This convention is made under the authority of Articles 104 and 105 of the Charter which read as follows:-

"Article 104.

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes."

"Article 105.

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and Officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose."



## Art 2 - Purposes

The purposes of this convention are to determine the details of the applications of paragraphs 1 and 2 of Art 105 of the Charter, to ensure the efficient performance of the functions entrusted to the Organization and to avoid the imposition of financial burdens on the funds contributed to the Organization by the Members.

## Art 3 - Status of the Organization

The Organization shall possess full juridical personality and shall have the capacity to perform any legal act appropriate to its purposes which is not beyond the power granted to it by the Charter, and in particular, the capacity:

- (1) to contract;
- (2) to acquire and dispose of immovable and movable property;
- (3) to institute legal proceedings.

## Art 4 - Immunities of the Organization

- (1) From judicial process:

The Organization, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

- (2) From search, requisition, expropriation or any other form of seizure:

The premises of the Organization are inviolable, and its property and assets, wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action or otherwise.

EC/LEG/17.

Page 4.

(3) From violation of archives and correspondence:

The archives of the Organization, wherever located and by whomsoever held, its correspondence, communications and documents shall be inviolable.

(4) From restrictions of assets:

To the extent necessary to carry out the exercise of its functions:

(a) All property and assets of the Organization shall be free from restrictions, regulations, controls and moratoria of any nature;

(b) The Organization may operate accounts in any foreign currency and shall be free from all restrictions on the operation of such accounts;

(c) The Organization may operate in national currency accounts having international status, and convert freely into any other available currency and transfer abroad, free of any national restriction, balances of such accounts which are the proceeds

(i) of payments which the Member is under an obligation to make in gold or freely convertible currency, or

(ii) of the purchase of the currency of the Member at an earlier date by the sale to the appropriate authority of the Member of gold or freely convertible currency.

(5) From taxation:

The Organization, its assets, property, income and its operations and transactions authorized

under the provisions of the Charter shall be:

- (a) exempt from all direct taxes;
- (b) exempt from customs duties in respect of articles for the official use of the Organization and of publications issued by the Organization;
- (c) exempt from sales taxes and excise duties in respect of purchases for official use of substantial value for which appropriate administrative arrangements can be made.

Art 5 - Certain facilities of the Organization

(1) Communications

The official communications of the Organization shall be accorded:

- (a) treatment not less favourable than that accorded to the official correspondence of the Governments of other members of the Organization including:
  - (i) Priority for telephone and telegraph communications whether cable or radio and for mail transmitted by pouch or by courier;
  - (ii) Government rebates for official telegrams;
  - (iii) Exemption from taxation on official telegrams and telephone calls;
  - (iv) Diplomatic status for couriers and pouches of the Organization;
  - (v) Under appropriate safeguards taken by the Organization, exemption from censorship of its official correspondence;
  - (vi) Appropriate arrangements for the use of codes and of cable addresses for the telegraphic

correspondence of the Organization;

- (vii) Arrangements which may be necessary to enable the Organization to send press telegrams to press officers and correspondents of the Office in accordance with the provisions of the International Telecommunications Convention and the Regulations annexed thereto.
- (b) appropriate postal facilities including:
  - (i) Satisfactory arrangements for the expeditious collecting and delivery of correspondence and printed matter at offices handling a substantial volume of such business and at meetings of the General Assembly, of the Security Council, of the Economic and Social Council and the Trusteeship Council, and of such specialized agencies as may be brought in relation with the Organization;
  - (ii) Exemption, in respect of official documents and publications, from any restrictions upon the despatch of printed matter through the mails to any state with which the state of despatch maintains postal relations;
  - (iii) Arrangements for the use of specially printed or overprinted stamps for the official correspondence of the Organization in states where a substantial volume of correspondence is despatched;
  - (iv) Postal privileges for the official correspondence of the Organization not less favourable than those accorded by the Member to any other Member. The reduction of 50 per cent of the ordinary rate for printed papers authorized by Article 34(3) of the

## Universal Postal Convention.

## (2) Purchases and public service

The Organization shall enjoy any special treatment, rates, discounts and priority accorded by any Member to the Governments of other Members in respect of the purchase of articles intended for official use and the services rendered by public utility, transportation and other Companies,

## Art 6 - Status of Representatives of the Members

Representatives of Member Governments to the General Assembly, to the Security Council, to the Economic and Social Council, to the Trusteeship Council and to such specialized agencies as may be brought in relation with the Organization shall be accorded during their tenure of office diplomatic privileges and immunities including:

(1) immunity from legal process of any kind in respect of acts performed in their official capacity and falling within their functions as such;

(2) The same immunities from immigration restrictions, alien registration and military service obligation and the same facilities as regards exchange restrictions as are accorded diplomatic representatives of the Governments of Members;

(3) inviolability of the representative's personal baggage and the same immunities accorded in this regard to ambassadors and ministers;

(4) Any further immunities and privileges that the Secretary-General may request as necessary to safeguard representatives on their way to or from meetings of the different organs of the Organization;

---

\* (In the case of Members which have agreed to apply Article 34(3) of the Universal Post Convention)

(5) complete freedom of speech, independence and the facilities necessary for the satisfactory discharge of their duties;

provided that each member government shall determine to what extent the above recommendations shall apply to its own nations, and to non-nationals in permanent residence in its territories.

Art 7 - United Nations Passports.

United Nations passports issued by the Organization to its officials and specialized agencies when travelling in their official capacity, or for the execution of their duties shall be accorded treatment not less favourable than that accorded to diplomatic passports officials of comparable rank.

Art 8 - Privileges and Immunities of Officials and Employees

(1) The Secretary-General, the Assistant Secretaries General, the Directors and Assistant Directors shall be accorded the privileges, immunities, exemptions and facilities accorded to ambassadors in accordance with international law and comity.

(2) All officials and employees of the Organization shall:

- (a) be immune from legal process with respect to acts performed by them in their official capacity;
- (b) be exempt from direct taxation on the salaries and emoluments paid to them by the Organization;
- (c) be immune from immigration restrictions, alien registration and military service obligations;
- (d) be accorded the same privileges as regards exchange facilities as are accorded to the officials of comparable rank of the Governments of other Members;



- (e) be given when travelling on official business the visas, priorities, rebates, exemptions from fees and other charges and other facilities accorded in respect of official travel on comparable business to Government officials of equal rank;
  - (f) be given the same repatriation facilities as diplomatic agents in time of international crisis
- (3) The estates of members of the staff and members of their families shall not be liable to death duties when the sole jurisdictional basis for such taxation is the residence there of the deceased person in connection with the discharge of official duties on behalf of the Organization.

Art 9 - Control of Privileges and Immunities of Officials

- (1) The Organization shall co-operate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the execution of police regulations and prevent the occurrence of any abuse in connection with the immunities and facilities provided for in this convention.
- (2) The Organization shall make provision for the determination by an appropriate international tribunal of:
  - (a) disputes arising out of contracts to which the Organization is a party which provide for the reference to such tribunal of any disagreement relating thereto;
  - (b) disputes involving any official of the Organization who by reason of his official position enjoys immunity from the jurisdiction of the tribunal



which would otherwise have cognizance of  
the matter if such immunity has not been  
waived by the Secretary-General.

Art 10 - Execution of the Convention

Each Member shall take such action as is necessary in its  
own territories for the purpose of making effective under its  
own laws the terms of the present convention.